



**BARNLSLEY**  
Metropolitan Borough Council

## REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2012/0312

To Mark Jackson Planning  
Gateway House  
19 Great Notley Avenue  
Great Notley  
Garden Village  
Braintree  
Essex  
CM77 7UW

**Proposal Conversion of the Coal Drops to shop/office falling within Use Classes A1 to A5 inclusive. Erection of combined A1 shop and A3 cafe to the rear of the Coal Drops. Conversion of Regency House to consulting rooms falling within Class D1, the demolition of the former workshop and erection of 13 dwellings and 2 live work units Use Class B1/C3. At Penistone Coal Drops, St. Mary's Street, Penistone, Sheffield, S36 6DT**

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 21 March 2012 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The site occupies a gateway site within the Penistone Conservation Area. Policy CSP30 requires that development within or affecting a Conservation Area either protects or enhances the character and appearance of the area. In the opinion of the LPA, the proposed development comprising front facing dormers and large, unbroken areas of parking at the side of each block of dwellings would be detrimental to the character and appearance of the Penistone Conservation Area. The proposal therefore, conflicts with CSP29 and CSP30 of the Core Strategy.

Signed *Stephen Moralee*

Assistant Director, Planning and Regulatory Services

Dated 30 May 2012

- 2 There is insufficient information upon which to adequately assess the impact of the proposed development on the Penistone Conservation Area and the listed heritage assets comprising the coal drops and related structures. In particular the lack of details on the phasing of the development and a lack of archaeological information is considered to have a detrimental impact on the character and appearance of Penistone Conservation Area, on a Grade II listed structure and on important heritage assets. The proposal is therefore, contrary to the requirements of policy CSP30 and Core Policy 12 of the National Planning Policy Framework.
- 3 The proposed development fails to provide safe, secure and convenient access for all road users. The access to the site suffers from a lack of pedestrian facilities, appropriate lighting and is in a poor state of repair. In addition, there is no appropriate servicing area for the proposed retail units which would result in servicing of the units potentially taking place in the highway, to the detriment of road safety. In terms of parking, the proposal is not in compliance with the Council's parking standards as detailed in the Supplementary Planning Document entitled Parking. The proposal is considered to conflict with the provisions of Core Strategy Policy CSP26.
- 3 The proposal has failed to demonstrate that biodiversity would be adequately protected and, as a result, the proposal conflicts with the provisions of CSP36 of the Core Strategy.

## **NOTES:-**

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to refuse permission for the proposed development then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.